

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	CHOMIK, Richard; YOHO, Mark; STUART, Leslie; KIM, Taek; PETRI, Aidan, and SEJNOWSKI, Joe	Art Unit:	TBA
Serial No.:	TBA	Examiner:	TBA
Filed:	Current Herewith		
For:	WASTE STORAGE DEVICE		

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CORROBORATING DECLARATION

I, Evan W. Hutchison, declare as follows:

(1) I am the Vice President of Product Development at Playtex Products Inc. and have worked with Richard Chomik (as his direct line supervisor for most of our association) when he worked at Playtex Products, and Mark Yoho, who currently works for Playtex, and I am very familiar with the work they performed with respect to the improvement of Playtex's tube disposal system sold as the Diaper Genie®. I am making this statement in corroboration of their Declarations under 37 C.F.R. § 1.608(b).

(2) I have worked at Playtex since before the redacted date (redacted for purpose of interference) of Exhibit A to Mr. Chomik's and Mr. Yoho's declarations. During my tenure at Playtex, one of my responsibilities has been to oversee the development of the Diaper Genie®.

(3) I have read the declarations of Richard Chomik and Mark Yoho, and reviewed Exhibits A – F attached thereto, and I can corroborate their statements with respect to matters cited therein.

(4) I recollect that Mr. Yoho presented to me before the date set forth (redacted for purpose of the interference) on Exhibit A a prototype tubular waste disposal system which encompassed a motor that turned a tubular retention mechanism to effectuate a twisting of the tubular material. The mechanism of such prototype had a twist mechanism as shown at 15 of Exhibit B.

(5) I have reviewed the Inter Office Memorandum of January 9, 2001 (Exhibit B) which lists me as one of the recipients. I recollect reviewing such document and commenting on the various twist mechanisms described therein. After review of the rack and pinion mechanism of O1 - O2 of Exhibit B at a review meeting, it was decided to seek patent protection on such cassette turning apparatus given Mr. Yoho's and Mr. Chomik's assurance that such was a practical solution to the problem of the automatic twist which we desired. Such apparatus is described in WO 02/083525 A1 (Exhibit D) which claims priority to a U.S. Provisional Patent Application 60/282,808 filed April 10, 2001, three months after Exhibit B was distributed. The further development of other mechanisms was solicited at the meeting.

(6) I have also reviewed the Memorandum of February 8, 2001 from The Marketplace Design Center (Exhibit C), and recognize the motorized schematic of 2.5 as a concept that was presented to me by way of a prototype by Mark Yoho prior to the date of this memorandum.

(7) I corroborate Mr. Chomik's and Mr. Yoho's statements with respect to their continuing work on developing automated twist approaches for the Diaper Genie. I have reviewed new and improved prototypes and ideas with regard to this issue periodically prior to the May 2, 2001 earliest possible effective filing date of U.S. Patent No. 6,612,099 B2 and after the earliest possible effective filing date of U.S. Patent No. 6,612,099 B2. At no time during this period was the project to develop an improved automated method for twisting the waste packages abandoned, with such project being on-going during this time frame as supported by Exhibits E - F.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and the such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed at Allendale, New Jersey this 5th day of November, 2003.

A handwritten signature in cursive script, reading "Evan W. Hutchison".

Evan W. Hutchison (Corroborator)
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